

REMARKS:

Claims 1, 2, 4-25, and 36-40 are currently pending in the subject application.

Claims 1-25 stand provisionally rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over Claims 1-6 of co-pending U.S. Patent Application 11/072,382 ("the '382 Application").

Claims 1-25 stand provisionally rejected on the grounds of non-statutory obviousness-type double patenting, as being unpatentable over Claims 1-25 of co-pending U.S. Patent Application 10/524,367 ("the '367 Application") in view of U.S. Patent 5,300,171 to Braun *et al.* ("Braun").

Claims 1-25 and 36-40 stand rejected under 35 USC § 103(a), as being unpatentable over U.S. Patent 6,372,323 to Kobe *et al.* ("Kobe") in view of Braun and U.S. Patent 6,960,272 to Tokas *et al.* ("Tokas").

Provisional Double Patenting Rejections:

Claims 1-25 stand provisionally rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1-6 of the '382 Application.

Applicant notes the provisional rejection, which will be taken up in due course upon the allowance of either the present application or the '382 Application.

Claims 1-25 stand provisionally rejected on the grounds of non-statutory obviousness-type double patenting, as being unpatentable over claims 1-25 of the '367 Application in view of Braun.

Applicant notes the provisional rejection, which will be taken up in due course upon the allowance of either the present application or the '367 Application. Applicant, however, does not acquiesce in this rejection, but rather chooses to take up this rejection if and when a non-provisional rejection is made by the Office.

Rejections Under 35 U.S.C. § 103(a):

Claims 1-25 and 36-40 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Kobe in view of Braun and Tokas. Applicant respectfully asserts that the combination of Kobe, Braun, and Tokas fails to render the present invention obvious, as discussed below.

The Applicant reiterates here as if set forth in full all of the arguments and remarks made in his previously filed amendments and briefs.

Claims 1, 36, and 40 are hereby amended by adding the limitations that the bubbles or dimples have a height-to-diameter ratio of less than about 1.0. This feature is not disclosed, suggested, mentioned, or taught, either alone or in combination, by the references cited by the Examiner. As such, this feature distinguishes the claimed invention over the prior art, and in particular, Kobe. In Kobe, "the stems need to be substantially upstanding to optimize the performance of the slip control article." Kobe col. 8, ll. 15-17. Furthermore, Kobe requires **upraised stems**, in which "[t]he stems have an aspect ratio of at least 1.25." Kobe col. 8, ll. 36-43.

For at least these reasons, the Applicant submits that Claims 1, 36, and 40, as hereby amended, are not rendered obvious by the cited references.

Claims 2 and 4-25 are dependent claims based upon Claim 1, as hereby amended, and intervening claims. Because Claims 2 and 4-25 are dependent claims based upon an allowable claim, the Applicant submits that Claims 2 and 4-25 are also allowable.

Claims 37-39 are dependent claims based upon Claim 36, as hereby amended. Because Claims 37-39 are dependent claims based upon an allowable claim, the Applicant submits that Claims 37-39 are also allowable.

CONCLUSION:

The Applicant submits that the application is now in condition for allowance, and respectfully requests early reconsideration and issuance of a Notice of Allowance. The Examiner is invited to contact the undersigned with any questions, comments, or suggestions relating to this application.

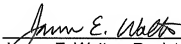
No fees are deemed to be necessary; however, the undersigned hereby authorizes the Commissioner to charge any fees which may be required, or credit any overpayments, to **Deposit Account No. 502806**.

Please link this application to Customer No. 38441 so that its status may be checked via the PAIR System.

Respectfully submitted,

Date

11/5/10


James E. Walton, Registration No. 47,245
Law Offices of James E. Walton, P.L.L.C.
1169 N. Burleson Blvd., Suite 107-328
Burleson, Texas 76028
(817) 447-9955 (Main)
(817) 447-9954 (Facsimile)
jim@waltonpllc.com (Email)

CUSTOMER NO. 38441

ATTORNEY FOR APPLICANT